



May 15, 2007 CPC  
June 27, 2007 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0293

Carter L. Burkey  
and  
Bolling Partin

Bermuda Magisterial District  
North line of East Hundred Road

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3).

PROPOSED LAND USE:

Commercial uses are planned, as restricted by Proffered Condition 3.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON  
PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The Consolidated Eastern Area Plan suggests that neighborhood-scale retail and service uses would be appropriate provided that any potential adverse impacts on nearby residential uses are mitigated through transitional uses, buffers and/or design.
- B. The proposed zoning and land uses are representative of, and compatible with, existing and anticipated area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION.  
THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS

NOTED WITH “STAFF/CPC” WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A “STAFF” ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A “CPC” ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (STAFF/CPC) 1. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be not timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- (STAFF/CPC) 2. Storm Water Retention. The developer will retain the ten (10) year post development runoff on site and release at the two (2) year predevelopment rate. (EE)
- (STAFF/CPC) 3. Uses.
- a. Uses on Tax IDs 818-652-3014 and 4300 shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District plus a hotel.
  - b. Uses on Tax ID 818-652-5837 shall be limited to those uses permitted by right or with restrictions in the Corporate Office (O-2) District. (P)
- (STAFF/CPC) 4. Buffers.
- c. A seventy-five (75) foot buffer shall be provided along the northern and western Property boundaries adjacent to the Random Woods Subdivision. This buffer shall comply with the requirements of the Zoning Ordinance for seventy-five (75) foot buffers.
  - d. A fifty (50) foot buffer shall be provided along Bermuda Hundred Road. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers.
  - e. Provided however, these buffers may not be waived and /or modified through site plan review. (P)
- (STAFF/CPC) 5. Building Height. The height of any building(s) located on Tax ID 818-652-5837 shall not exceed two (2) stories or thirty (30) feet, whichever is less. (P)

- (STAFF/CPC) 6. Dedication. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, one-hundred (100) feet of right-of-way on the north side of East Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (STAFF/CPC) 7. Access Route10. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. This access shall align the existing crossover on Route 10, located along the property frontage. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of this access with the adjacent properties to the west.(T)
- (STAFF/CPC) 8. Access Restrictions. No direct vehicular access shall be provided from the property to Bermuda Hundred Road or to Random Road. (T)
- (STAFF/CPC) 9. Road Improvements. In conjunction with initial development of the property, the developer shall: 1) construct an additional lane of pavement along the westbound lanes of Route 10 for the entire property frontage; 2) construct additional pavement along the westbound lanes of Route 10 at the approved access to provide a separate right turn lane, if needed based on transportation department standards. 3) construct additional pavement along the eastbound lanes of Route 10 at the existing crossover that serves the property to provide an adequate left turn lane; 4) construct a sidewalk to VDOT standards along Route 10 for the entire property frontage; and 5) dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements The exact design and location of these improvements shall be approved by the Transportation Department. (T)

#### GENERAL INFORMATION

##### Location:

North line of East Hundred Road, west of Kingston Avenue, and south line of Bermuda Hundred Road, west of Kingston Avenue. Tax IDs 818-652-3014, 4300 and 5837.

Existing Zoning:

A

Size:

5.1 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North – R-7; Single family residential

South – C-3 and A; Commercial or vacant

East - C-3 and R-15 with Conditional Use Planned Development; Commercial

West - R-7 and A with Conditional Use; Single family residential or commercial

UTILITIES

Public Water System:

The public water system is available to serve this site. There is an existing twelve (12) inch water line extending along the north side of East Hundred Road, adjacent to this site. In addition, a six (6) inch water line extends along Random Road and terminates adjacent to the northern boundary of this site. Use of the public water system is required by County Code.

Public Wastewater System:

The public wastewater system is available to serve this site. There is an existing eight (8) inch wastewater collector line extending between the existing hotel and WAWA site to the east and terminating adjacent to the eastern boundary of this site. Use of the public wastewater system is required by County Code. On-site wastewater lines will need to be extended to the western boundary of the request site at a depth adequate to serve adjacent development.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to Route 10 and then via cross over pipes under Route 10 to Johnson Creek. There are currently no on-site drainage or erosion problems and none are anticipated after development. Off-site, there are currently no erosion problems. The pipes under Route 10, in most locations, are inadequate to handle upstream development.

To negate the additional runoff from development, the developer has proffered to retain water on-site. (Proffered Condition 2)

The site is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that adequate erosion control measures are in place prior to timbering. (Proffered Condition 1)

### PUBLIC FACILITIES

#### Fire Service:

The Rivers Bend Fire Station, Company #18, currently provides fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

#### Transportation:

The property (5.1 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Community Business (C-3). This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 4,390 average daily trips. These vehicles will be distributed along East Hundred Road (Route 10), which had a 2006 traffic count of 38,977 vehicles per day. The capacity of the six-lane section of Route 10 between Interstate 295 and Old Bermuda Road/Meadowville Road is acceptable (Level of Service B) for the volume of traffic it currently carries. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right-of-way width of 120 to 200 feet. The applicant has proffered to dedicate one hundred (100) feet of right-of-way, measured from the centerline of Route 10, in accordance with that Plan. (Proffered Condition 6)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 10, should be controlled. The property has frontage along Route 10 at an existing crossover. The applicant has proffered that direct access from the property to Route 10 will be limited to one (1) entrance/exit, aligning the Route 10 crossover (Proffered Condition 7).

Developers of parcels at existing crossovers should share the use of those crossovers with surrounding properties. The adjacent parcels to the east have been developed for commercial use, and are served by another crossover on Route 10. The adjacent parcel to the west of the subject property is zoned Agricultural (A), and with a Conditional Use permit has been developed for a commercial use. The other parcels further to the west are

also zoned Agricultural (A), and are either undeveloped or have been developed for single-family use. The *Consolidated Eastern Area Plan* suggests that all of those parcels to the west of the subject property would be appropriate for Neighbor Mixed Use. The applicant has proffered to record an access easement across the subject property to the adjacent parcels to the west. (Proffered Condition 7)

The property has frontage along Bermuda Hundred Road. With the recordation of Random Woods Subdivision, a stub road right-of-way (Random Road) was provided to the property. In order to address neighborhood concerns, the developer has proffered that no direct vehicular access to Bermuda Hundred Road or Random Road will be provided. (Proffered Condition 8)

The traffic impact of this development must be addressed. The applicant has proffered the customary road improvements, such as construction along Route 10 of an additional lane of pavement and a sidewalk for the property frontage plus a separate right turn lane based on Transportation Department standards and an adequate left turn lane (Proffered Condition 9). Based on the proposed zoning, a separate right turn lane along Route 10 is anticipated to be warranted. All of the proffered road improvements will be provided with initial development of the property.

At time of site plan review, specific recommendations will be provided regarding access, internal site circulation and required road improvements.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of Consolidated Eastern Area Plan which suggests that neighborhood retail and service uses outside of an aggregated mixed use project would be appropriate if potential adverse impacts from these uses on nearby residents, such as noise, light, trash and odors, are mitigated by transitional uses such as offices, or by additional buffering or other design features.

### Area Development Trends:

The area is characterized by commercial uses along the north and south lines of Route 10, to include an adjacent hotel use along Bermuda Hundred Road, and established residential neighborhoods along the north and south lines of Bermuda Hundred Road. It is anticipated that any further commercial development in this immediate area would need to provide appropriate transitions and protection to neighboring residential developments, as suggested by the Plan.

### Development Standards:

The request property lies within an Emerging Growth District Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects.

Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and parking areas, except as proffered herein.

In addition, the property is located within the Route 10 Corridor East area. Within this area, the Zoning Ordinance addresses yard requirements, architecture and internal circulation.

Uses:

Proffered Condition 3.a limits the uses in the southern portion of the property along Route 10 to those permitted by right or with restrictions in the Neighborhood Business (C-2) District plus hotel use (reference attached map). Further, in an effort to provide transition to the surrounding neighborhoods located along the north and south lines of Bermuda Hundred Road, Proffered Condition 3.b limits uses on the northern portion of the property to those permitted by right or with restrictions in the Corporate Office (O-2) District.

Building Height:

Currently, within Emerging Growth District Areas, no building within 200 feet of a residential district may exceed a height of two (2) stories or thirty (30) feet, whichever is less. Beyond this 200 feet, building heights may be increased to three (3) stories or forty-five (45) feet, with office buildings permitted at twelve (12) stories or 120 feet in height, whichever is less. In an effort to provide transition to the surrounding neighborhoods located along the north and south lines of Bermuda Hundred Road, Proffered Condition 5 limits the height of buildings located on the northern portion of the property to two (2) stories or thirty (30) feet, whichever is less, even if the building is located beyond 200 feet of the residential district.

Buffers:

Currently, the Ordinance requires the provision of a seventy-five (75) foot buffer between Community Business (C-3) and the adjacent Random Woods development. Typically, this buffer may be waived and/or modified through the site plan review process. However, to maintain appropriate transitions to this adjacent neighborhood, Proffered Condition 4 precludes the reduction or elimination of this buffer.

The Ordinance does not require the provision of a buffer along Bermuda Hundred Road. In an effort to minimize the views of the project from the adjacent Woodvale development located along the north line of Bermuda Hundred Road, the applicant has proffered the provision of a fifty (50) foot buffer along this road. Further, this proffer precludes the reduction or elimination of this buffer through the plans review process.

## CONCLUSION

The Consolidated Eastern Area Plan suggests the property is appropriate for neighborhood-scale retail and service uses provided that any potential adverse impacts on nearby residential uses are mitigated through transitional uses, buffers and/or design. The proffered conditions address limitations on uses and building height, as well as the provision of buffers in an effort to provide this transition. As such, the proposed zoning and land uses are representative of, and compatible with, existing and anticipated area development.

Given these considerations, approval of this request is recommended.

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## CASE HISTORY

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Planning Commission Meeting (5/15/07):

The applicant accepted staff's recommendation. There was no opposition present.

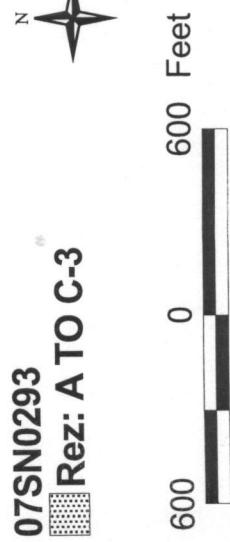
On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 and 3.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

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The Board of Supervisors, on Wednesday, June 27, 2007, beginning at 6:30 p.m., will take under consideration this request.





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Rez: A TO C-3

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